

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Schulze, *et al.*

Appl. No: 10/593,119

Filed: September 18, 2006

For: **Novel Alcohol Dehydrogenases**

Art Unit: 1652

Examiner: T. Saidha

Atty. Dkt.: 7601/88256

Conf. No: 5922

Request for Reconsideration of Patent Term Adjustment Calculation

Commissioner of Patents
U.S. Patent and Trademark Office
Randolph Building **MS Patent Ext.**
401 Dulany Street
Alexandria, VA 22314

Sir:

The above application received a Notice of Allowance mailed September 30, 2009. This was accompanied by a Determination of Patent Term Adjustment Under 35 USC 154(b) which indicates that the application is entitled to 405 days of additional term. Applicants believe that the application is actually entitled to 409 days of additional term. This is based upon the following considerations.

- 1) The Application was filed on September 18, 2006.
- 2) The 14 month date for the application was November 18, 2007.
- 3) The first substantive action of the PTO was not mailed until January 29, 2009.
- 4) Applicants calculate the time from the 14 month date to the date of the first substantive office action to be 438 days. In addition, Applicants agree with the PTO's calculations as shown on the relevant PAIR page that the application is entitled to one more day should be of term based upon PTO delay and that 30 days of the added term should be deducted from the term addition based on applicant delay. Thus, the application should be entitled to 409 days of total addition.
- 5) The PTO erroneously started counting the 14 month date from September 22, 2006 rather than September 18, 2006. Thus, it used November 22, 2007 as the 14 month date and calculated a term addition based upon the period from this date until the first substantive Office Action to be 434 days rather than 438

days. Adding one additional day and subtracting 30 days gave a total term addition of 405 days. Thus, the date calculated by the PTO was 4 days less than it should have been.

Conclusion

As discussed above, Applicants believe that the above-captioned application is entitled to a patent term adjustment of 409 additional days and respectfully request that the PTO reconsider the calculations that have been made to determine if they are in agreement with Applicants.

Applicants have electronically authorized the PTO to charge Applicants' credit card the fee for filing this Request, believed to be \$200 as set forth in 37 C.F.R. § 1.18(e). The Director is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to our Deposit Account No. 50-4056 under Order Number 7601/88256.

If a phone call may help to expedite this matter, Applicants' undersigned attorney may be reached at (240) 683-6165.

Respectfully submitted,
Law Office of Michael A. Sanzo, LLC

By /Michael A. Sanzo/
Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicants

Date: October 28, 2009
15400 Calhoun Drive, Suite 125
Rockville, Md. 20855
(240)683-6165